

REMARKS

This responds to the Final Office Action mailed on January 9, 2009.

Claims 8 and 21 are amended; claims 1-7 and 15-20 were previously canceled, without prejudice and disclaimer to the Applicant; as a result, claims 8-14 and 21-29 are now pending in this application.

Example support for the amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification page 13 lines 10-14; page 10 lines 23-25; and page 21 lines 7-15.

Furthermore, the amendments are made to correct informalities and Applicant does not believe that any new subject matter has been added to the amended claims, such that a new search would be necessitated. The amendments are made to correct informalities and not to change the subject matter of the claimed invention. Thus, entry of the amendments is appropriate and Applicant respectfully requests an indication of the same.

§ 112 Rejection of the Claims

Claims 8 and 21 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner asserts that the specification fails to disclose that the alias identify information includes a random password and further asserts that this embodiments is just associated with biometric data. Applicant directs the Examiner to page 10 lines 23-25 where it is clearly stated that the "alias identity information can include a random password, a random principal identification, or a random identification and password combination." Applicant does not believe that this is ambiguous in any manner.

Claims 8 and 21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

The Applicant included a typographical error in the previous amendment where "random principal password" was intended to be "random principal identifier." The correction of this

obviates the Examiner's argument that the previous amendment is indefinite and unclear. As such, this rejection should be withdrawn and is now a moot point.

§ 102 Rejection of the Claims

Claims 8-14 and 21-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Amdur et al. (U.S. 2008/0134286). To sustain an anticipation rejection each and every element in the rejected claims must be taught or suggested in the exact detail and identical arrangement as that which is shown in the cited reference.

Here, Amdur fails to teach or suggest alias identity information that includes "a random password and a random principal identification." The Examiner avoided addressing this point, since the Examiner believed that two passwords were being claimed.

Applicant notes that although the previous claim incorrectly stated "random principal password[,] the Applicant did in fact argue in the remarks that the Amdur reference failed to show a "random principal identification." Thus, Applicant respectfully believes that the Examiner knew with the last action or should have known what it was Applicant was arguing. As such, the Examiner cannot now assert that the amended claims are adding subject matter that requires new searching and therefore the amendments should be entered. Applicant requests that they be entered for purposes of appeal if the Examiner continues to assert that the amendments do not overcome the Amdur reference.

Specifically, the Examiner asserts that the alias identity information is nothing more than a user name used during login and simply cites a reference in Amdur for initial authentication. "[A]lias identity information includes a random password and a random principal identification . . ." This includes a "random principal identification" and "random password." Clearly a user login name is not a password and is not a random password at that or even a random user name ("random principal identification"). As such, Applicant respectfully asserts that the Amdur reference cannot be said to anticipate Applicant's pending claims.

Accordingly, Applicant respectfully requests that the rejections of record be withdrawn and that the pending claims be allowed.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By /  /
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